

ADV0001-US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

EBERHARD SCHMID ET AL.

Serial No.: 10/520,527

Art Unit: 1742

Filed: OCTOBER 11, 2005

Examiner: Not Yet Assigned

For: ALLOY, ESPECIALLY FOR
SPECTACLE FRAMES

REQUEST FOR CORRECTED FILING RECEIPT

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A corrected Official Filing Receipt is hereby requested in view of the error that appears in the original. For the convenience of the Patent and Trademark Office, attached is a photocopy of the original receipt on which the requested correction has been noted in red.

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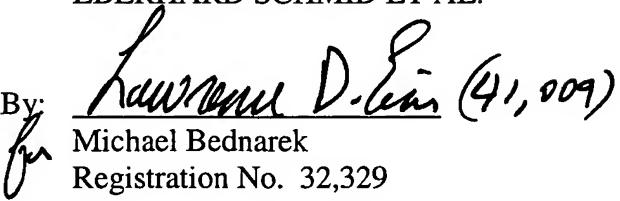
Serial No.: 10/520,527
Art Unit: 1742
Inventor: Eberhard SCHMID et al.

Attorney's Docket No.: ADV0001-US
Page 2

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Respectfully submitted,

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By: 
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Date: March 13, 2006

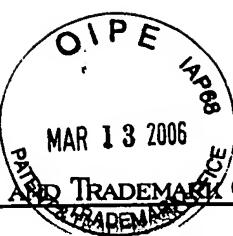
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/520,527	10/11/2005	1742	1030	ADV0001-US	2	10	1

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CONFIRMATION NO. 9242

28970
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FILING RECEIPT



"OC000000017842702"

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Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

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Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP03/07458 07/10/2003

Foreign Applications

GERMANY 202 11 557.7 07/12/2002

Projected Publication Date: To Be Determined - pending completion of Security Review

Non-Publication Request: No

Early Publication Request: No

Title

Alloy, especially for spectacle frames

Preliminary Class

148

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Translation

PATENT COOPERATION TREATY



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference BER-046-WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/007458	International filing date (day/month/year) 10 July 2003 (10.07.2003)	Priority date (day/month/year) 12 July 2002 (12.07.2002)
International Patent Classification (IPC) or national classification and IPC C22C 9/02		
Applicant	BERKENHOFF GMBH	

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

Date of submission of the demand 16 December 2003 (16.12.2003)	Date of completion of this report 29 October 2004 (29.10.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

I. Basis of the report

1. With regard to the elements of the international application:*

 the international application as originally filed the description:

pages 1-6, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

 the claims:

pages _____, as originally filed

pages _____, as amended (together with any statement under Article 19)

pages _____, filed with the demand

pages 1-6, filed with the letter of 12 October 2004 (12.10.2004)

 the drawings:

pages 1/3-3/3, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

 the sequence listing part of the description:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

 the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

 contained in the international application in written form. filed together with the international application in computer readable form. furnished subsequently to this Authority in written form. furnished subsequently to this Authority in computer readable form. The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished. The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. The amendments have resulted in the cancellation of: the description, pages _____ the claims, Nos. _____ the drawings, sheets/fig _____5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 03/07458

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	YES
	Claims	1-6 NO
Inventive step (IS)	Claims	YES
	Claims	1-6 NO
Industrial applicability (IA)	Claims	1-6 YES
	Claims	NO

2. Citations and explanations

1. Novelty, PCT Article 33(2)

1.1. D1 (cf. page 2, lines 60-66, page 3, lines 4 and 9-27; claims 1, 6 and 7) describes an alloy for use in the field of jewelry, clothing accessories, spectacles and spectacle parts, consisting of: 4-12% Sn, 0.1-4% Fe, and optionally up to 10% Mn and/or Zn, 0.01-0.5% P, copper residue and the usual impurities.

The alloy composition and its purpose in D1 overlap with the alloy disclosed in claim 1 of the present application and its purpose, and therefore the subject matter of claim 1 lacks novelty (PCT Article 33(2)).

The additional features of claim 2 are likewise known from D1 and therefore lack novelty.

Claims 3-6 are directed to products made using the alloy according to claim 1. These products are also known from D1. Consequently, claims 3-6 likewise lack novelty.

1.2. A line of reasoning similar to that in point 1.1 also applies to D2 (cf. claims 1, 6 and 7), which describes an alloy for use in the field of jewelry, clothing accessories, spectacles and spectacle parts, consisting

of: 12-20% Sn, 0.1-4% Fe, and optionally up to 5% Mn and/or Zn, 0.01-0.5% P, copper residue and the usual impurities.

2. Inventive step, PCT Article 33(3)

2.1. The teaching according to D1, which is regarded as the closest prior art, differs in formal terms from the claimed alloy according to claim 1 in that the elements Zn, Mn and P are obligatory, whereas in D1 they are merely optional. A person skilled in the art will always consider these elements when the aim is for the alloy to be produced in a cost-effective manner and have sufficient strength (cf. D1, page 3, lines 24-25 and 15-16).

Even if the subject matter of claim 1 were regarded as novel, it would not be regarded as involving an inventive step. Therefore, the subject matter of claim 1 does not satisfy the criterion stipulated in PCT Article 33(3).

3. Additional observations

The resilience characteristic is a use feature inherent to every alloy used for spectacle frames (see also D1, page 2, lines 47-48).

Furthermore, a selection ranging from 1-8% Zn in the present application cannot be regarded as a narrow selection with respect to D1.